

# HOUSE BILL 62

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(PRE-FILED)

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By: **Delegate V. Turner**

Requested: September 10, 2009

Introduced and read first time: January 13, 2010

Assigned to: Environmental Matters

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## A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Payment of Cost Differential – Nitrogen Removal Technology**

3 FOR the purpose of repealing a certain contingency on the requirement that the  
4 Department of the Environment pay for certain costs associated with the  
5 installation of on-site sewage disposal systems utilizing nitrogen removal  
6 technology with money from the Bay Restoration Fund; requiring the  
7 Department to make payment with money from certain General Fund  
8 appropriations if certain funding is unavailable; giving priority for certain  
9 funding to certain homeowners installing on-site sewage disposal systems  
10 utilizing nitrogen removal technology; and generally relating to on-site sewage  
11 disposal systems utilizing nitrogen removal technology.

12 BY repealing and reenacting, without amendments,  
13 Article – Environment  
14 Section 9–1108(a)  
15 Annotated Code of Maryland  
16 (2007 Replacement Volume and 2009 Supplement)  
17 (As enacted by Chapter 280 of the Acts of the General Assembly of 2009)

18 BY repealing and reenacting, without amendments,  
19 Article – Environment  
20 Section 9–1108(b) and 9–1605.2(h)(1) and (2)  
21 Annotated Code of Maryland  
22 (2007 Replacement Volume and 2009 Supplement)

23 BY repealing and reenacting, with amendments,  
24 Article – Environment  
25 Section 9–1108(c) and 9–1605.2(h)(3)(i)  
26 Annotated Code of Maryland  
27 (2007 Replacement Volume and 2009 Supplement)

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Environment**

4 9–1108.

5 (a) (1) In this section the following words have the meanings indicated.

6 (2) “Nitrogen removal technology” means the best available technology  
7 for the removal of nitrogen.

8 (3) “On–site sewage disposal system” means a sewage treatment unit,  
9 collection system, disposal area, and related appurtenances.

10 (b) A person may not:

11 (1) Install, or have installed, on property a person owns in the State in  
12 the Chesapeake and Atlantic Coastal Bays Critical Area, an on–site sewage disposal  
13 system to service a newly constructed building, unless the on–site sewage disposal  
14 system utilizes nitrogen removal technology; or

15 (2) Replace or have replaced, an existing on–site sewage disposal  
16 system on property a person owns in the State in the Chesapeake and Atlantic Coastal  
17 Bays Critical Area, unless the replacement on–site sewage disposal system utilizes  
18 nitrogen removal technology.

19 (c) (1) In accordance with § 9–1605.2(h) of this title, the Department shall  
20 assist homeowners [in] **BY** paying the cost difference between a conventional on–site  
21 sewage disposal system and a system that utilizes nitrogen removal technology with  
22 money from the Bay Restoration Fund[, if sufficient funds are available].

23 (2) **IF SUFFICIENT FUNDS ARE NOT AVAILABLE FROM THE BAY**  
24 **RESTORATION FUND, THE DEPARTMENT SHALL PAY FOR THE COST**  
25 **DIFFERENCE BETWEEN A CONVENTIONAL ON–SITE SEWAGE DISPOSAL SYSTEM**  
26 **AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY WITH MONEY**  
27 **FROM THE DEPARTMENT’S GENERAL FUND APPROPRIATION.**

28 9–1605.2.

29 (h) (1) With regard to the funds collected under subsection (b)(1)(i), from  
30 users of an onsite sewage disposal system or holding tank that receive a water bill, (ii),  
31 and (iii) of this section, beginning in fiscal year 2006, the Comptroller shall:

32 (i) Establish a separate account within the Bay Restoration  
33 Fund; and

1 (ii) Disburse the funds as provided under paragraph (2) of this  
2 subsection.

3 (2) The Comptroller shall:

4 (i) Deposit 60% of the funds in the separate account to be used  
5 for:

6 1. Subject to paragraph (3) of this subsection, with  
7 priority first given to failing systems and holding tanks located in the Chesapeake and  
8 Atlantic Coastal Bays Critical Area and then to failing systems that the Department  
9 determines are a threat to public health or water quality, grants or loans for up to  
10 100% of:

11 A. The costs attributable to upgrading an onsite sewage  
12 disposal system to the best available technology for the removal of nitrogen;

13 B. The cost difference between a conventional onsite  
14 sewage disposal system and a system that utilizes the best available technology for the  
15 removal of nitrogen;

16 C. The cost of repairing or replacing a failing onsite  
17 sewage disposal system with a system that uses the best available technology for  
18 nitrogen removal; or

19 D. The cost, up to the sum of the costs authorized under  
20 item 1B of this item for each individual system, of replacing multiple onsite sewage  
21 disposal systems located in the same community with a new community sewerage  
22 system that is owned by a local government and that meets enhanced nutrient  
23 removal standards.

24 2. The reasonable costs of the Department, not to exceed  
25 8% of the funds deposited into the separate account, to:

26 A. Implement an education, outreach, and upgrade  
27 program to advise owners of onsite sewage disposal systems and holding tanks on the  
28 proper maintenance of the systems and tanks and the availability of grants and loans  
29 under item 1 of this item;

30 B. Review and approve the design and construction of  
31 onsite sewage disposal system or holding tank upgrades;

32 C. Issue grants or loans as provided under item 1 of this  
33 item; and

1 D. Provide technical support for owners of upgraded  
2 onsite sewage disposal systems or holding tanks to operate and maintain the upgraded  
3 systems; and

4 (ii) Transfer 40% of the funds to the Maryland Agriculture  
5 Water Quality Cost Share Program in the Department of Agriculture in order to fund  
6 cover crop activities.

7 (3) (i) Funding for the costs identified in paragraph (2)(i)1 of this  
8 subsection shall be provided in the following order of priority:

9 1. **OWNERS REQUIRED UNDER § 9-1108 OF THIS**  
10 **TITLE TO INSTALL ON-SITE SEWAGE DISPOSAL SYSTEMS UTILIZING NITROGEN**  
11 **REMOVAL TECHNOLOGY;**

12 2. For owners of all levels of income, the costs identified  
13 in paragraph (2)(i)1A and B of this subsection; and

14 [2.] 3. For low-income owners, as defined by the  
15 Department, the costs identified in paragraph (2)(i)1C of this subsection:

16 A. First, for best available technologies for nitrogen  
17 removal; and

18 B. Second, for other wastewater treatment systems.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
20 October 1, 2010.